

Chapter 8.44**VEHICLES AND MOTORCYCLES**

(Urg. Ord. 1587-6/70, 1926-8/74, 3370-11/97, 3457-5/00)

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8.44.010 Scope and purpose. The City Council finds that the operation of licensed and unlicensed vehicles, motorcycles and motor-driven cycles on unimproved private property and on public parkways, sidewalks, parklands, beaches and other public property (except public streets and highways) in the city creates excessive amounts of irritating dust, fumes, noise, erosion and fire danger, and constitutes a public nuisance to the residents of Huntington Beach. This chapter is designed to regulate the operation of registered and unregistered vehicles, motorcycles and motor-driven cycles by all persons, whether they possess a valid California motor vehicle operator's license or not, upon unimproved private property and upon all public property except public streets and highways in the city. (Urg. Ord. 1587-6/70, 1926-8/74)

8.44.020 Definitions. Unless a different meaning is apparent from the context or is specified elsewhere in the code, the following are to be as defined by the California Vehicle Code:

- (a) "Highway" (California Vehicle Code §360). (Urg. Ord. 1587-6/70, 1926-8/74, 3457-5/00)
- (b) "Motorcycle" (California Vehicle Code §400). (Urg. Ord. 1587-6/70, 1926-8/74, 3457-5/00)
- (c) "Motor-driven cycle".(California Vehicle Code §405). (Urg. Ord. 1587-6/70, 1926-8/74, 3370-11/97, 3457-5/00)
- (d) "Motorized bicycle" or "moped" is any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two (2) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground (California Vehicle Code §406). (3370-11/97, 3457-5/00)

A "motorized bicycle" is also a device that has fully operative pedals for propulsion by human power and has an electric motor that meets all of the following requirements: (3457-5/00)

- (1) Has a power output of not more than 1,000 watts. (3370-11/97)
- (2) Is incapable of propelling the device at a speed of more than 20 miles per hour on ground level. (3370-11/97)
- (3) Is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour. (3370-11/97)

- (e) "Motorized scooter." A motorized scooter shall be defined as in §402.5 of the California Vehicle Code. A motorized scooter is regulated as a bicycle under Chapter 10.84 of this code. (3370-11/97, 3457-5/00)
- (f) "Motorized skateboard." A skateboard to which a motor is attached whether the motor is running or not. (3370-11/97, 3457-5/00)
- (g) "Unimproved private property" under this chapter means any parcel of land or parcels of land under common ownership which contain no buildings or which are not surfaced with cement, concrete, asphaltic concrete, or other similar material, or which do not have a hard surface made up of a mixture of rock, sand or gravel bound together with a chemical or mineral substance other than natural soil. (Urg. Ord. 1587-6/70, 1926-8/74, 3370-11/97, 3457-5/00)
- (h) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks. Farm, construction and commercial vehicles are exempted from this definition. (Urg. Ord. 1587-6/70, 1926-8/74, 3370-11/97, 3457-5/00)

8.44.025 Motorized Scooter. No motorized scooter shall be propelled on any sidewalk, or on any bikeway, bicycle path or trail, unless such path or trail is part of a highway or street shared with general vehicular traffic, equestrian trail, hiking, recreational trail, or the municipal pier, except in areas where use is permitted by state law. (3370-11/97, 3457-5/00)

8.44.030 Prohibited areas of operation.

- (a) No person shall operate a vehicle, motorcycle or motor-driven cycle other than a publicly-owned vehicle, motorcycle or motor-driven cycle, upon a public sidewalk, walkway, parkway or in any public park or recreational area or upon any other publicly-owned property, except highways, within the city. This shall not be construed to prohibit the operation of a vehicle, motorcycle or motor-driven cycle having a valid California vehicle registration by any person possessing a valid California operator's license upon the public highways in the city.
- (b) No person shall operate a vehicle, motorcycle or motor-driven cycle, other than a publicly-owned vehicle, motorcycle or motor-driven cycle, upon any unimproved private property within the city, except as set forth in section 8.44.040. (Urg. Ord. 1587-6/70, 1926-8/74)

8.44.040 Exceptions--Permit obtained. Any person desiring to operate a vehicle, motorcycle or motor-driven cycle, and any owner of private property desiring to allow a person or persons to operate a vehicle, motorcycle or motor-driven cycle on his private property may do so upon first obtaining a permit from the Chief of Police of the city. Permits shall be issued upon his determination that:

- (a) The owner or owners of said real property concerned, or the person or persons in lawful possession thereof, have consented in writing to the proposed operation;
- (b) The City Fire Chief has certified that such proposed operation will not create any undue fire hazard by reason of the nature of the vehicle and its proposed operation or by reason of the nature of the property concerned; and

- (c) Such operation is of sufficient distance from occupied residences, churches, assembly halls or schools, as not likely to constitute a noise, dust or fumes nuisance.

Any owner of property meeting the requirements of this section, or his agent, may in writing authorize the Chief of Police to issue permits for the operation of vehicles, motorcycles or motor-driven cycles on his property. Such authorization is to be in the form prescribed by the Chief of Police and must describe the real property and may limit the authority to the persons set forth in said authorization. Any change of interest in ownership in the real property shall be deemed an automatic revocation of such authorization. All persons holding a title interest in and to a parcel of real property must join in said authorization. (Urg. Ord. 1587-6/70, 1926-8/74)

8.44.050 Permit--Contents. The permit shall contain:

- (a) Name, birth date and physical description of the permittee;
- (b) A statement that permittee shall not operate or cause to be operated a vehicle, motorcycle or motor-driven cycle on any real property except the real property set forth in the permit by description;
- (c) A statement of the hours that the permit authorizes operation of the vehicle, motorcycle or motor-driven cycle;
- (d) A statement that said permit shall be carried by permittee at all times that he is operating a vehicle, motorcycle or motor-driven cycle on public or private property as defined in this chapter and that the permit shall be exhibited to any Police Officer upon demand;
- (e) The date of expiration of the permit in no event to exceed one (1) year, unless sooner revoked or suspended;
- (f) A statement that the permit is not an expression by the city that the proposed operation can be done with safety to the permittee or other persons or property, all of which risks are assumed by permittee or property owner. (Urg. Ord. 1587-6/70, 1926-8/74)

8.44.060 Permit--Refusal--Appeal. Any applicant refused a permit may appeal such refusal to the City Council by filing an appeal in writing, setting forth the grounds. (Urg. Ord. 1587-6/70)

8.44.070 Permit--Revocation or suspension. Any permit issued hereunder is subject to suspension or revocation by the City Council, after notice to the permittee and public hearing, on any of the following grounds;

- (a) The owner or agent of the real property has withdrawn his consent.
- (b) Conditions concerning the real property covered by the permit have changed so that conditions exist which would be grounds for refusal to issue the permit.
- (c) Permittee has violated any of the terms or conditions of the permit or any law while on private or public property pursuant to the permit issued herein. (Urg. Ord. 1587-6/70)

8.44.080 Violations--Penalties. Any person violating any of the provisions of this chapter shall be deemed guilty of a MISDEMEANOR and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25) but not exceeding one hundred dollars (\$100), or imprisonment for a period not to exceed thirty (30) days, or by both said fine and imprisonment.
(Urg. Ord. 1587-6/70)